

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

BRENDA K. JACKSON

PLAINTIFF

V.

CIVIL ACTION NO. 3:13-cv-267-CWR-FKB

COMMISSIONER OF SOCIAL SECURITY  
Carolyn W. Colvin

DEFENDANT

REPORT AND RECOMMENDATION

This cause is before the Court on Defendant's Motion to Dismiss for Failure to Prosecute. [16]. Having considered the record in this matter, the undersigned concludes that the motion is well-taken and recommends that it be granted.

Plaintiff filed suit on May 3, 2013, seeking review of Defendant's denial of her application for social security benefits. [1]. On September 20, 2013, the Court entered an Order directing Plaintiff to show cause for her failure to serve process within 120 days. [4]. Plaintiff did not respond to that Order and the undersigned entered a Report and Recommendation that this case be dismissed for failure to prosecute. [5]. Plaintiff filed a response to the Report and Recommendation, and the Court found the Report and Recommendation moot on March 14, 2014. On April 4, 2014, the Court entered an Order directing Plaintiff to show cause for her failure to file her memorandum within thirty days of Defendant's answer, as previously ordered by the Court. [11]. Plaintiff responded to that Order, claiming not to have received notice of the filing of Defendant's answer. [12]. The Court ordered Plaintiff to file her memorandum by July 1, 2014, and noted that it must comply with the requirements set out in the Court's Order at Docket No. 3. [13]. On July 1, 2014, Plaintiff filed a Motion for Summary Judgment [14] that

does not comply with the Court's prior Order Directing Filing of Briefs [3]. Defendant filed a Motion to Dismiss for Lack of Prosecution [16] on August 25, 2014, and Plaintiff failed to respond.

This case has been lingering on the docket without significant progress for more than a year. Plaintiff has consistently failed to comply with the Court's Orders and applicable deadlines. The undersigned has determined that involuntary dismissal pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute and failure to comply with the Court's Orders is warranted. *See, e.g., Beard v. Experian Information Solutions, Inc.*, 214 Fed. Appx. 459 (5<sup>th</sup> Cir. 2007).

The parties are hereby notified that failure to file written objections to the proposed findings, conclusions, and recommendation contained within this report and recommendation within fourteen (14) days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. 28 U.S.C. §636.

RESPECTFULLY SUBMITTED this the 26th day of September, 2014.

/s/ F. Keith Ball  
UNITED STATES MAGISTRATE JUDGE